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January 21, 2022

VIA ELECTRONIC FILING

The Honorable Jocelyn Boyd
Chief Clerk / Executive Director
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, SC 29210

Re: Cherokee County Cogeneration Partners, LLC v. Duke Energy Carolinas, LLC
and Duke Energy Progress, LLC
Docket No. 2020-263-E

Dear Ms. Boyd:

Attached for filing is a Petition for Expedited Accounting and True-Up on behalf of Duke Energy Carolinas, LLC ("DEC") with a request that the Commission enter an order on an expedited basis on or before Wednesday, February 9, 2022. A proposed Order is attached for the Commission's consideration. The Word version of the proposed Order is being provided by email.

DEC is requesting expedited consideration of the Petition due to the imminent expiration on February 21, 2022, of a Letter of Credit performance security provided by Cherokee, which is necessary to protect customers from potential default by Cherokee. As further described in the Petition, DEC requests a final Commission order or directive-order approving the accounting Petition on or before Wednesday, February 9, 2022, so that customers remain protected and Cherokee is required to refund the overpayment prior to the expiration of the Letter of Credit. DEC has shared the accounting and related information with Cherokee and the South Carolina Office of Regulatory Staff ahead of filing this Petition.

Due to the commercial sensitivity and proprietary nature of certain information shown on Exhibit B to the petition, DEC respectfully requests that the Commission find that, pursuant to S.C. Code Ann. Regs. 103-804(S)(2) and S.C. Code Ann. § 30-4-40(a)(1), that information is exempt from disclosure under the Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 *et seq.* The information for which DEC seeks confidential treatment is the information that has been redacted from Exhibit B on the public version being file with this letter.



The information contained in Exhibit B for which DEC seeks protection derives economic value from not being generally known to, and not being readily ascertainable by proper means, by other persons who would be able to obtain economic value from its disclosure. Disclosure of this information would reveal confidential pricing and conditions, as well as delivery parameters and details of the operating characteristics of the facility, all of which are proprietary and specific to Cherokee County Cogeneration Partners LLC ("Cherokee"). In recognition of the confidentiality of the information, DEC and Cherokee agreed to confidentiality provisions protecting this information. Protection of this information is consistent with the Commission's orders protecting similar information in Order No. 2020-394, issued on May 28, 2020, in Docket No. 2020-130-E and Order No. 2020-499, issued on July 22, 2020, in Docket No. 2020-158-E.

Accordingly, the Company respectfully requests that it be permitted to file the confidential version of Exhibit B under seal and maintained as confidential pursuant to Order No. 2005-226. Attached with this letter is a redacted version of Exhibit B that protects from disclosure the commercially sensitive and proprietary information, while making available for public viewing non-protected information. Additionally, we are hand delivering a confidential version of Exhibit B to the Commission and providing an electronic copy to the Office of Regulatory Staff.

Yours truly,

Frank R. Ellerbe, III

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Attachments

c w/attachments via email: C. Jo Anne Wessinger Hill, General Counsel
David Butler, Special Counsel
Parties of Record
Samuel J. Wellborn, Associate General Counsel
E. Brett Breitschwerdt, Esquire
Tracy S. DeMarco, Esquire